

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

SEAN M. DONAHUE,

:

Plaintiff

:

CIVIL ACTION NO. 3:18-1531

:

v.

:

(JUDGE MANNION)

SUPERIOR COURT OF  
PENNSYLVANIA, *et al.*,

:

Defendants

:

**ORDER**

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) The report and recommendation of Judge Mehalchick, **(Doc. 21)**, is **ADOPTED IN ITS ENTIRETY**;
- (2) The plaintiff's motion for leave to proceed *in forma pauperis*, **(Doc. 2)**, is **GRANTED** solely for the purpose of the filing of his complaints;
- (3) The plaintiff's proposed second amended complaint, **(Docs. 14-1 & 14-2)**, is **DISMISSED** as improperly filed, and the State Court Defendants' motion to dismiss this proposed pleading, **(Doc. 15)**, is therefore **DENIED AS MOOT**;
- (4) The State Court Defendants' motion to dismiss, **(Doc. 12)**, plaintiff's original amended complaint, **(Doc. 11)**, is **GRANTED**, and all claims asserted against the State Court Defendants are

**DISMISSED WITH PREJUDICE**, as barred by Eleventh Amendment immunity;

- (5) The remainder of plaintiff's amended complaint, (**Doc. 11**), against the remaining defendants, is **DISMISSED IN ITS ENTIRETY**, as specified in the foregoing memorandum, pursuant to 28 U.S.C. §1915(e)(2)(B);
- (6) The plaintiff's request for appointment of counsel is **DENIED AS MOOT**;
- (7) The plaintiff's objections to Judge Mehalchick report, (**Docs. 24 & 25**), are **OVERRULED**;
- (8) The plaintiff is **DENIED** leave to file a second amended complaint based on futility; and
- (9) The clerk of court is directed to **CLOSE** this case.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Dated: February 25, 2019**

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